IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7081 OF 2006

Mr.Albert Berlie & Anr. ...Petitioners
V/s.
Mr.Krishnaraj P. Kalapi & Ors. ...Respondents

Mr.N.V. Walawalkar i/b. A.B. Vagyani, Advocate, for the Petitioners.
Mr.Bharat Joshi, Advocate, for Respondent Nos.1 to 4.

CORAM: B.H. MARLAPALLE, J.

Date : March 28, 2007.

P.C.:

. Heard Mr.Walawalkar, learned senior counsel of Mr.Vagyani for the petitioners and Mr.Joshi, learned counsel for the respondents.

2. On 19.12.2006 the learned counsel for the respondents on their behalf furnished an undertaking before this Court that the respondents shall not obstruct the use of passage, toilet, bathroom, kitchen and W.C. by the petitioners. It was further admitted that the kitchen was for common use.

3. However, the learned counsel for the petitioner had complained subsequently that the undertaking so furnished by the learned counsel of the respondents was not being followed and the servants of the respondents and the labour engaged in the renovation work were seen squartering in the common passage area or moving in the kitchen area. He further submitted that even if a copy of the undertaking is showed to the police, the petitioner is not getting any help to avoid any inconvenience caused on account of breach of the said undertaking.

4. The respondents were directed to remain present and accordingly, all of them except Ms.Sonia K. Kalapi are present before the Court and on instructions from them the learned counsel reiterates that the undertaking recorded by this Court on 19.12.2006 shall be strictly followed by all the respondents.

5. So far as the renovation work is concerned it shall be carried out between 9 a.m. to 1 p.m. and 2

p.m. to 6 p.m. and the list of all such workers being engaged for renovation work will be furnished by the respondents alongwith a copy given to the nearest police station. The renovation work will be completed expeditiously. It is, therefore, directed that the respondents shall follow the undertaking recorded by this Court on 19.12.2006 and they shall not obstruct the use of passage, toilet, bathroom, kitchen and W.C. by the petitioner or any of his family members. The labours enganged for the renovation work will not be seen in the common facilities at any time between 6 p.m. to 8:30 a.m. and if any servants of the respondents acting as a care taker is required to stay home, he shall occupy the premises which are in possession of the respondents. If there are any electrical repairs to be carried out in the premises of the petitioner, the petitioner is at liberty to do so.

6. The petition is disposed off in terms of the above directions.

(B.H. Marlapalle,J.)